

# Notice of Allowability

Application No.

09/964,102

Examiner

Binh-An D. Nguyen

Applicant(s)

BAERLOCHER ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 3/29/04.
2. ☒ The allowed claim(s) is/are 1-20 and 26-44.
3. ☒ The drawings filed on 26 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>3/29/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## REASONS FOR ALLOWANCE

1. The Amendment filed on March 29, 2004 has been found persuasive and has overcome the rejection set forth in the Office action sent December 5, 2004.

The limitations of gaming device comprising: a plurality of reels; a plurality of symbols on said reels, wherein at least one of said symbols is adapted to function as a wild activation symbol and at least one of said symbols is adapted to function as a wild termination symbol, said symbol adapted to function as a wild termination symbol adapted to occur at any one of a plurality of different display positions on said reels; a processor in communication with a display device, wherein said processor is adapted to selectively determine if one of said plurality of symbols displayed on the reels by the display device after a spin of the reels is adapted to function as the wild activation symbol and if one of said symbols displayed on said reels is adapted to function as the wild termination symbol, the processor transforms said symbols of the plurality of symbols into wild symbols starting at the symbol adapted to function as the wild activation symbol and ending at the symbol adapted to function as the wild termination symbol (as per claims 1, 9, 12, 13, 16, 26, 36, and 44), in combination with other presented limitations, are neither disclosed nor taught by the art of record.

Further, the limitations of a gaming device or machine comprising: a plurality of reels; a plurality of symbols on said reels including at least one natural wild symbol; a display device for displaying said reels and at least one symbol on each reel, wherein upon an occurrence of a triggering event, if the natural wild symbol is displayed on the

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reels, and the processor transforms said natural wild symbol, the natural wild symbol changes into a modifier which modifies an award provided to a player associated with said displayed symbols (as per claim 14), in combination with other presented limitations, are neither disclosed nor taught by the art of record.

Furthermore, the limitations of a gaming device comprising: a plurality of cards adapted to be displayed by a display device; at least one wild activation symbol, at least one wild termination symbol, said wild termination symbol adapted to occur at any one of the cards displayed by the display device; and a processor in communication with said display device for transforming at least one card displayed by the display device into a wild card if one of the cards displayed within the display device is a wild activation symbol and if the wild termination symbol is also displayed transforming said cards from the wild activation symbol to the wild termination symbol (as per claim 32), in combination with other presented limitations, are neither disclosed nor taught by the art of record.

Claims 1-20 and 26-44, therefore, are allowable.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON  
PRIMARY EXAMINER